



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,270	03/12/2004	Norman Gilmore	01030-1002	1326

30671 7590 05/26/2010  
DITTHAVONG MORI & STEINER, P.C.  
918 Prince Street  
Alexandria, VA 22314

EXAMINER
----------

CHANDLER, SARA M

ART UNIT	PAPER NUMBER
----------	--------------

3693

NOTIFICATION DATE	DELIVERY MODE
-------------------	---------------

05/26/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docket@dcpatent.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/800,270	<b>Applicant(s)</b> GILMORE, NORMAN	
	<b>Examiner</b> SARA CHANDLER	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02/18/10.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-13,20-24 and 1518 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) -4,6-13, 1518 and 20-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Response to Amendment***

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 10/800,270 (03/12/04) filed on 02/18/10.

### ***Claim Interpretation***

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. See MPEP 2106 II C. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP § 2106 II C.

Language in a method claim that states only the intended use or intended result, but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result, but does not result in a structural difference between the claimed invention and the prior art.

Art Unit: 3693

In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as “*if, may, might, can could*”, as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as “*wherein, whereby*”, that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) “adapted to” or “adapted for” clauses,
- (C) “wherein” clauses, or
- (D) “whereby” clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 1-4, 6-8, 20-22 and 24** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Re Claim 1: Not a proper method (i.e., process) claim.

In order for a method to be considered a "process" under 101, a claimed process must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *In re Bilski*, 88 USPQ2d 1385, 1391 and 1396 (2008).

Although the preamble of the method claim recites, "implemented by one or more processors programmed by a set of instructions to perform the steps of," this is a nominal recitation of another statutory class. The process steps recited in the body of the claim may be performed by a human operator alone. NOTE: Applicant may wish to modify the claim language to recite language such as "the one or more processors collecting data .....; and the one or more processors generating a financial model .....".

Dependent claims are rejected based on the same rationale as the claims from which they depend.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-4, 6-13, 15-18 and 20-24** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 19 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential elements, essential steps and/or essential structural cooperative relationships of elements such omission amounting to a gap between the elements, the steps and/or the necessary structural connections. See MPEP § 2172.01. The omitted elements, the steps and/or structural cooperative relationships are:

The invention described in applicants specification describes the problems associated with storing spreadsheets as documents and the need and describes the associated mapping of the spreadsheet as critical to performance of the disclosed invention. Similarly, the specification describes the novelty of the invention pertaining to use in simulation. Thus, the limitations of claims 2,3 and 4 are critical to applicants invention and should be recited in the independent claim.

Furthermore, the model depends on the objects, classes for generation.

NOTE: It is unclear whether the limitations of claims 2 and 3 are required together as part of a single invention or if they are alternatives (i.e., species). Applicant should clarify this in the subsequent response. If they are alternatives (i.e., species), an election of species may be required.

Re Claims 1, 9 and 10: There is a disconnect between the steps performed. For example, a new limitation "issuing functor requests through a workflow router to users for data and programs; and receiving functor objects from users responsive to the functor requests;" The financial model generated by the claimed invention is not dependent on or related to these acts however. The only thing the model requires is the "collected data and programs." There is claim ambiguity there as well because only data is collected as part of the claimed invention not, data and programs.

Re Claims 1, 9 and 10: The claim recites, "wherein the financial model supports user approval of selected ones of the financial components," See remarks supra on claim interpretation. The limitation raises a question as to the limiting effect of the language in the claim. The "wherein" clause has no bearing on influence of the steps or acts performed by the claimed invention.

Re Claims 2 and 11: The claim recites, "wherein the content includes the data and programs for input into the financial model. See remarks supra on claim interpretation. The limitation raises a question as to the limiting effect of the language in the claim. The "wherein" clause has no bearing on influence of the steps or acts performed by the claimed invention.

Re Claims 3 and 12 The claim recites, " wherein the class duplicates functionality of the spreadsheet if the class is used to create an object." See remarks supra on claim interpretation. The limitation raises a question as to the limiting effect of the language in the claim. The "wherein" clause has no bearing on influence of the steps or acts performed by the claimed invention.

Re Claims 7 and 17: The claim recites, "wherein the GUI supports options to format the report. " See remarks supra on claim interpretation. The limitation raises a question as to the limiting effect of the language in the claim. The "wherein" clause has no bearing on influence of the steps or acts performed by the claimed invention.

Re Claim 10: The preamble of the claim suggests that it is directed to a "system" or apparatus claim. System claims are defined by their structural components and how those structural components operate together. The claim uses language such as "module" which is suggestive of software. Should the claim suggest that the "one or more processors" are "configured to" "collect data .....", "issue functor requests ....", "generate a financial model." It would seem that since the "modeling module" is software it is only when it is executed by processor that it will "generate a financial module ..."

Dependent claims are further rejected based on the same rationale as the claims from which they depend.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:



Art Unit: 3693

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

**Claims 1-3, 9 -12 and 24** are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Wall, US Pat. No. 7,043,736.

**Re Claims 1, 9 and 10:** Wall discloses a method/computer readable medium/system for providing forecasting and modeling, implemented by one or more processors programmed by a set of instructions to perform the steps of collecting data in a multi-user peer-to-peer collaborative environment over a data network by (Wall, abstract, col. 1, lines 50-57; col. 2, lines 10 – 63; col. 3, lines 15 – 41; col. 4, lines 42 – 52; col. 5, lines 17 – 34):

issuing functor requests through a workflow router to users for data and programs; and receiving functor objects from users responsive to the functor requests (Wall, abstract,

Art Unit: 3693

col. 1, lines 50-57; col. 2, lines 10 – 63; col. 3, lines 15 – 41; col. 4, lines 42 – 52; col. 5, lines 17 – 34);

and generating a financial model with re-usable financial components based upon the collected data and programs, wherein the financial model supports user approval of selected ones of the financial components (Wall, abstract, col. 1, line 38 - col. 2, line 55; col. 2, line 64 - col. 3, line 41; col. 4, line 42 - col. 5, line 16).

Nonfunctional Descriptive Material The fact that the data of the claimed invention pertains to finance (i.e., financial model, financial components etc.) is nonfunctional and as no bearing on steps or acts positively recited in the claimed invention).

Certain types of descriptive material, such as music, literature, art, photographs, and mere arrangements or compilations of facts or data, without any functional interrelationship is not a process, machine, manufacture, or compilation of matter. MPEP § 2106.02.

**Alternatively,** Official Notice is taken that was old and well known to apply forecasting and modeling techniques to finance.

Documentary Evidence:

Wall, US Pub. No. US Pat. No. 7,043,736. In the background of the invention was describes how modeling describes behavior and how building a financial model would be beneficial in predicting financial behavior. (See Wall, col 1, lines 42-50)

Analogous Art It has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis

Art Unit: 3693

for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings Wall to provide a method for providing forecasting and modeling, implemented by one or more processors programmed by a set of instructions to perform the steps of: collecting data in a multi-user peer-to-peer collaborative environment over a data network issuing functor requests through a workflow router to users for data and programs; and receiving functor objects from users responsive to the functor requests; and generating a financial model with reusable financial components based upon the collected data and programs, wherein the financial model supports user approval of selected ones of the financial components.

The claimed invention applies prior art elements according to known methods to yield predictable results; applies a known technique to a known device (method, or product) ready for improvement to yield predictable results; and known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

**Re Claims 2 and 11:** Wall discloses the claimed invention supra and further discloses wherein the collected data resides within a spreadsheet, and further comprising:

Art Unit: 3693

mapping content from a plurality of cells of the spreadsheet to a plurality of objects, wherein the content includes the data and programs for input into the financial model (Wall, col. 1, lines 42 – 57; col. 8, lines 42 – 50; col. 10, lines 51 – 65).

**Re Claim 3 and 12:** Wall discloses the claimed invention supra and further discloses wherein the collected data resides within a spreadsheet, further comprising:

mapping content including the data from a plurality of cells of the spreadsheet to one or more classes, wherein the class duplicates functionality of the spreadsheet if the class is used to create an object (Wall, col. 1, lines 42 – 57; col. 8, lines 42 – 50; col. 10, lines 51 – 65).

**Re Claim 24:** Wall discloses the claimed invention supra and further discloses wherein the functor objects received from users responsive to the functor requests specify the necessity of additional inputs (Wall, abstract, col. 1, lines 50-57; col. 2, lines 10 – 63; col. 3, lines 15 – 41; col. 4, lines 42 – 52; col. 5, lines 17 – 34).

**Claims 4, 6-8 , 13, 15-18 and 20-23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Wall as applied to claims 1 and 10 above, and further in view of Adler, US Pub. No. 2002/0169658.

**Re Claims 4 and 13:** Wall discloses the claimed invention supra but fails to explicitly disclose

outputting the financial model;

providing a user with a plurality of input parameters including operators;

Art Unit: 3693

dynamically receiving one of the input parameters from the user in support of what-if analysis of the financial model;

and generating simulation result in response to the received input parameter for retrieval by the user over the data network.

Adler discloses:

outputting the financial model (Adler, abstract, [0002] [0032] [0033] [0043] [0045] [0046] [0047] [0048] [0049] [0073] [0083]);

providing a user with a plurality of input parameters including operators (Adler, abstract, [0002] [0032] [0075] [0076]);

dynamically receiving one of the input parameters from the user in support of what-if analysis of the financial model (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]); and

generating simulation result in response to the received input parameter for retrieval by the user over the data network (Adler, abstract, [0002] [0032] [0075] [0076]).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Wall by adopting the teachings of Adler to provide outputting the financial model; providing a user with a plurality of input parameters including operators; dynamically receiving one of the input parameters from the user in support of what-if analysis of the financial model; and generating simulation result in response to the received input parameter for retrieval by the user over the data network.

As suggested by Adler, one would have been motivated to assess the risks and rewards of alternative decisions and to identify the most promising strategy to pursue.

The claimed invention applies prior art elements according to known methods to yield predictable results; applies a known technique to a known device (method, or product) ready for improvement to yield predictable results; and known work in one field of endeavor may prompt variations of it for use in either the same field or a different one based on design incentives or other market forces if the variations are predictable to one of ordinary skill in the art. Thus, the claimed subject matter likely would have been obvious under KSR. *KSR*, 127 S.Ct. at 1741, 82 USPQ2d at 1396.

**Re Claims 6 and 15:** Wall in view of Adler discloses the claimed invention supra and Adler further discloses generating a report of the simulation result via a list query language module that specifies and executes queries in list algebra, wherein the user places an arbitrary list query in an least one cell of a report grid for display (Adler, abstract, [0002] [0032] [0033] [0043] [0045] [0046] [0047] [0048] [0049] [0073] [0083] [0097] [0098]).

**Re Claims 7 and 16:** Wall in view of Adler discloses the claimed invention supra and further discloses:

selecting a plurality of cells in the report grid (Adler, [0083] [0085] [0086] [0087] [0088] [0091] [0092] [0097] [0098]); and

Art Unit: 3693

specifying a list query for pre-filtering the objects for selected cells containing list queries so that the pre-filtered objects are not included in the list queries (Adler, [0083] [0085] [0086] [0087] [0088] [0091] [0092] [0097] [0098]).

**Re Claims 8 and 17:** Wall in view of Adler discloses the claimed invention supra and Adler further discloses wherein a first user issues a request object for requesting information relating to the financial model, and the request object includes a program to collect the information and to validate a response from a second user, a response object received from the second user responsive to the request object conforming to a class interface specified by the first user, the method further comprising:

storing the request object (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]);  
and

selectively forwarding the request object to the second user (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]).

**Re Claim 18:** Wall in view of Adler discloses the claimed invention supra and Adler further discloses a strategy game module configured to solicit input from a plurality of users to simulate a plurality of scenarios relating to the financial model, the scenarios corresponding to different competitive goals assigned to the users (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]).

**Re Claim 20:** Wall in view of Adler discloses the claimed invention supra and Adler further discloses

selecting a plurality of cells in the report grid (Adler, abstract, [0002] [0032] [0033]

Art Unit: 3693

[0043] [0045] [0046] [0047] [0048] [0049] [0073] [0083] [0097] [0098]); and specifying a list query for collecting objects into a set, wherein a graphical embellishment is applied to cells including an object contained in the set (Adler, abstract, [0002] [0032] [0033] [0043] [0045] [0046] [0047] [0048] [0049] [0073] [0083] [0097] [0098]).

**Re Claim 21:** Wall in view of Adler discloses the claimed invention supra and Adler further discloses wherein the selected plurality of cells is contiguous (Adler, [0083] [0085] [0086] [0087] [0088] [0091] [0092] [0097] [0098]).

**Re Claim 22:** Wall in view of Adler discloses the claimed invention supra and Adler further discloses wherein the selected plurality of cells is discontinuous (Adler, [0083] [0085] [0086] [0087] [0088] [0091] [0092] [0097] [0098]).

**Re Claim 23:** Wall in view of Adler discloses the claimed invention supra and Adler further discloses responsive to the inputs from the plurality of users, one of adding arbitrary new classes or objects to the simulation, or making arbitrary changes to a class or object currently in the simulation (Adler, abstract, [0002] [0032] [0033] [0050] [0075] [0076]).

### ***Response to Arguments***

#### **Objections**

Withdrawn in view of applicant's amendments.

#### **101**

Note rejections withdrawn and maintained in view of applicant's amendments.

In order for a method to be considered a "process" under 101, a claimed process



Art Unit: 3693

must either: (1) be tied to another statutory class (such as a particular apparatus) or (2) transform underlying subject matter (such as an article or materials). *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *In re Bilski*, 88 USPQ2d 1385, 1391 and 1396 (2008).

Although the preamble of the method claim recites, "implemented by one or more processors programmed by a set of instructions to perform the steps of," this is a nominal recitation of another statutory class. The process steps recited in the body of the claim may be performed by a human operator alone. NOTE: Applicant may wish to modify the claim language to recite language such as "the one or more processors collecting data .....; and the one or more processors generating a financial model .....".

## **112**

Note rejections withdrawn and maintained in view of applicant's amendments.

Applicant should review the relationship between claim limitations. For example, the claims recite "wherein" clauses that have no bearing or function with respect to the steps or acts performed by the claimed invention.

With respect to the independent claims:

There is a disconnect between the steps performed. For example, a new limitation "issuing functor requests through a workflow router to users for data and programs; and receiving functor objects from users responsive to the functor requests;" The financial model generated by the claimed invention is not dependent on or related to these acts however. The only thing the model requires is the "collected data and

Art Unit: 3693

programs." There is claim ambiguity there as well because only data is collected as part of the claimed invention not, data and programs.

The claim recites, "wherein the financial model supports user approval of selected ones of the financial components," See remarks supra on claim interpretation. The limitation raises a question as to the limiting effect of the language in the claim. The "wherein" clause has no bearing on influence of the steps or acts performed by the claimed invention.

### **Prior Art**

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Remarks***

If further clarification is needed, applicant should request an interview with the Examiner prior to submitting the next response.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

("6631497"|"7039920").PN.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SARA CHANDLER whose telephone number is (571)272-1186. The examiner can normally be reached on M-F, 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571)272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3693

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC  
/JAGDISH N PATEL/  
Primary Examiner, Art Unit 3693